

SGP-001-CIP-III

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

EDWIN C. SLAGEL

Serial No.: 10/080,566

Filed: February 25, 2002

For: IMPACT RESISTANT
POLYURETHANE AND METHOD
OF MANUFACTURING THEREOF

Art Unit: 1711

Examiner: MULLIS, JEFFREY C.

DECLARATION UNDER 37 CFR 1.132

Honorable Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Robert Fogarty, a research scientist employed by Simula, Inc., declare as follows:

1. I submit this declaration in support of the above-referenced application, which has been assigned to Simula, Inc.
2. I am familiar with the disclosure of U.S. Patent No. 6,127,505 (the '505 patent), which is also assigned to Simula, Inc.
3. The claims of the present application are directed to a polyurethane material made from a prepolymer containing a triol in an amount equal to 0.06 to 0.15 equivalents based upon a total of 1.0 equivalents of OH-containing intermediates.
4. The '505 patent discloses polyurethane materials containing a triol in an amount of 4 to 8% by weight based on total reactants.
5. Polyurethane materials containing a triol in an amount equal to 0.06 to 0.15 equivalents, as claimed in the present application, are less brittle than materials that contain a triol in an amount of 4 to 8% by weight based on total reactants, as disclosed in the '505 patent.

6. For example, whereas a polyurethane containing 1.22 weight percent trimethylol propane (corresponding to 0.15 equivalents in this example) is somewhat brittle, a polyurethane containing 4.27 weight percent trimethylol propone would be extremely brittle.

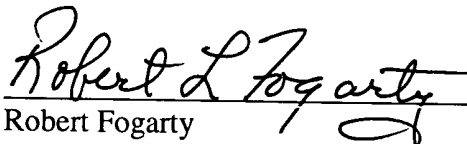
7. Nothing in the '505 patent discloses or suggests this result, which is unexpected.

8. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. I am aware that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: July 21, 2003

By:


Robert Fogarty